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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

ALFONSO PARRA AND MARIA PARRA,) CASE NO. 4:18-CV-268-A  
)  
Plaintiff,) FORT WORTH, TEXAS  
)  
VERSUS) JANUARY 17, 2019  
)  
ROY LESTER DOUGLAS, ALL WAYS) TRANSPORT, INC., AND  
)  
INTERSTATE EXPRESS, INC.,)   
)  
Defendant.) 12:08 P.M.

VOLUME 1 OF 1  
TRANSCRIPT OF SETTLEMENT CONFERENCE REPORT  
BEFORE THE HONORABLE JOHN McBRYDE  
UNITED STATES DISTRICT COURT JUDGE

**A P P E A R A N C E S :**

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7 ALSO PRESENT: MR. ALFONSO PARRA AND MS. MARIA PARRA  
MR. JEFF WOODRUFF  
8 MR. ALEXANDER ZHELEZOGLO  
MR. JAIME LOPEZ  
9

10 Proceedings reported by mechanical stenography, transcript  
11 produced by computer.  
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**P R O C E E D I N G S**

January 17, 2019 - 12:08 p.m.

*COURT SECURITY OFFICER:* All rise.

Hear ye, hear ye, hear ye, the United States District Court for the Northern District of Texas at Fort Worth is now in session, the Honorable John McBryde presiding.

Let us pray. God bless the United States and this Honorable Court. Amen.

Please be seated.

*THE COURT:* Good morning.

*ALL PRESENT:* Morning.

*THE COURT:* We're here for a hearing in Case Number 4:18-CV-268-A. It's styled Alfonso Parra and Maria Parra, plaintiffs, versus Roy Lester Douglas, All Ways Transport, Inc., and Interstate Express, Inc.

It's a hearing that follows a conference between the different parties and insurance companies for the defendants, or representatives of those people. They were to meet this morning and discuss -- try to reach a settlement, and then they were ordered to be in the courtroom at 11:55, if they weren't able to, and at that time we were to discuss other matters.

Let me be sure I understand who all is here.

I show that a Maria Parra is here. Is that the young lady at the end of the table?

1 MS. PARRA: Yes, sir.

2 THE COURT: Okay. And then Alfonso Parra? He's  
3 holding his hand up.

4 And Todd Hurd is the attorney for the plaintiffs?

5 MR. HURD: Yes, sir, Your Honor.

6 THE COURT: Are you the lead attorney?

7 MR. LYSTER: No, Your Honor. I'm Christopher  
8 Lyster. I'm the lead attorney.

9 THE COURT: Okay. Very good. Mr. Lyster is here.

10 And then I show Darrell Adkerson here as attorney  
11 for defendant Roy Lester Douglas and Interstate Express, Inc.;  
12 is that correct?

13 MR. ADKERSON: That's correct, Your Honor.

14 THE COURT: Okay. And then the corporate  
15 representative for Interstate Express, Inc. is Alexander --  
16 and somebody will have to help me with the pronunciation of  
17 his last name.

18 MR. ALEXANDER ZHELEZOGLO: Zhelezoglo.

19 THE COURT: Okay. He's here as the corporate  
20 representative.

21 What is your -- why don't you come up to the  
22 microphone, so I can hear you better.

23 What is your position with Interstate Express?

24 MR. ALEXANDER ZHELEZOGLO: I was the owner,  
25 president.

1           THE COURT: You're president?

2           MR. ALEXANDER ZHELEZOGLO: Yeah.

3           MR. ADKERSON: Was.

4           MR. ALEXANDER ZHELEZOGLO: Yeah, I was the  
5 president.

6           MR. ADKERSON: He was.

7           MR. ALEXANDER ZHELEZOGLO: I was the president.

8           THE COURT: What are you now?

9           MR. ALEXANDER ZHELEZOGLO: We closed the company and  
10 I just --

11          THE COURT: It's not in business anymore?

12          MR. ALEXANDER ZHELEZOGLO: No.

13          THE COURT: Okay. Very good. You can go back and  
14 be seated. Thank you for coming.

15          And then I show -- is it Jaime Lopez?

16          MR. JAIME LOPEZ: Yes, sir.

17          THE COURT: Is it Qualitas Insurance Company?

18          MR. JAIME LOPEZ: Yes, sir.

19          THE COURT: And your insurance company provides the  
20 liability insurance to Interstate Express, Inc.?

21          MR. JAIME LOPEZ: Yes, sir.

22          THE COURT: And what is your position with Qualitas?

23          MR. JAIME LOPEZ: Claims manager.

24          THE COURT: Come up, so I can hear you better.

25          MR. JAIME LOPEZ: Claims Branch Manager for the

1 Texas office.

2 THE COURT: Branch manager?

3 MR. JAIME LOPEZ: Yes, sir.

4 THE COURT: Okay. Thank you for being here.

5 And then I show Paige Allen is here for -- is it All  
6 Ways Transport, Inc.?

7 MS. ALLEN: That's correct, Your Honor.

8 THE COURT: Okay. And then let's see.

9 Where is -- where is Mr. Douglas? Is he back in the  
10 back?

11 MR. ADKERSON: Your Honor, I have not filed this  
12 with the court yet, but he passed away in March of 2017, and  
13 we just learned this when we hired an investigator to find  
14 him, and I have a copy of the death certificate.

15 THE COURT: Okay. Do you want to mark it as an  
16 exhibit?

17 MR. ADKERSON: Yes, sir.

18 THE COURT: Okay. Why don't you do that and offer  
19 it as an exhibit.

20 You can be seated, Ms. Allen.

21 MS. ALLEN: Thank you, Your Honor.

22 THE COURT: Okay. You're offering -- Mr. Adkerson,  
23 you're offering Defendant's Exhibit 1, which is the death  
24 certificate of Roy Lester Douglas; is that correct?

25 MR. ADKERSON: Yes, Your Honor.

1           THE COURT: Okay. When did he pass away?

2           MR. ADKERSON: March of 2017.

3           THE COURT: Was he -- he was not alive when this  
4 lawsuit was filed?

5           MR. ADKERSON: No, Your Honor.

6           THE COURT: Let me see if I can find the date on  
7 here.

8           MR. ADKERSON: March 28, there it is.

9           THE COURT: March 28, 2017, I see that. Well, I'm  
10 sorry to hear that.

11          MR. ADKERSON: Thank you, Your Honor.

12          THE COURT: Ms. Allen, who is the corporate  
13 representative for All Ways Transport, Inc.?

14          MS. ALLEN: Your Honor, his name is Matthew  
15 Sidloski. I -- we were unaware of this lawsuit. My client  
16 was not advised -- or did not see the notice by publication,  
17 but we were advised later, through the grapevine, through the  
18 insurance grapevine, that this lawsuit was pending, so I was  
19 retained this week.

20                I filed an answer yesterday. I've just been in  
21 touch with my client just -- yesterday was the first time I  
22 had been able to reach him. So, we were not parties to this  
23 lawsuit. We had not entered an appearance at the time that  
24 the joint status report was done, so we were not at that  
25 meeting, but in the -- actually, I contacted your law clerk

1 yesterday and advised him of these circumstances, but said  
2 that my -- that I was coming to the meeting today and also the  
3 insurance representative for the insurance company for All  
4 Ways Transport.

5 *THE COURT:* What's Matthew's last name?

6 *MS. ALLEN:* It's Sidloski, S-I-D-L-O-S-K-I.

7 *THE COURT:* And tell me again why he's not here.

8 *MS. ALLEN:* Well, because he just learned of the  
9 lawsuit yesterday, and I was not able to logistically get him  
10 on a plane and get him here by today.

11 *THE COURT:* Are y'all from California?

12 *MS. ALLEN:* I'm not. He is.

13 *THE COURT:* He's from California?

14 *MS. ALLEN:* Yes.

15 *THE COURT:* Where are you from?

16 *MS. ALLEN:* Dallas.

17 *THE COURT:* Oh, okay. And then I show that a Jeff  
18 Woodruff is here as the insurance representative --

19 *MS. ALLEN:* That's correct, Your Honor.

20 *THE COURT:* -- for the company that insures All  
21 Ways.

22 *MS. ALLEN:* That's correct.

23 *THE COURT:* Why don't you come up to the microphone,  
24 so I can hear you better, and tell me what insurance company  
25 you're with.

1           MR. WOODRUFF: I'm with Parker Associates and that's  
2 on behalf of Aegis Security Insurance Company.

3           THE COURT: Okay. And what is your position with  
4 that company?

5           MR. WOODRUFF: Litigation adjuster.

6           THE COURT: Okay. Okay. And I take it -- you can  
7 go back and be seated. Thank you.

8           I take it, Mr. Lyster, that -- was a settlement  
9 reached?

10          MR. LYSTER: No, Your Honor, it was not.

11          THE COURT: Did y'all get pretty close?

12          MR. LYSTER: I don't believe we did, Your Honor.

13          THE COURT: You didn't get close?

14          Why don't you come to the microphone without -- this  
15 is on a jury docket, isn't it?

16          MR. LYSTER: It is, Your Honor.

17          THE COURT: Well, there's nothing wrong with me  
18 knowing what the offers or counteroffers were. Tell me what  
19 all has happened this morning.

20          MR. LYSTER: Your Honor, we -- let me give you a  
21 little bit of background, if you will, about this  
22 particular -- where you have an understanding in terms of  
23 what's going on.

24          I represent Alfonso Parra. He was traveling back  
25 from Wichita Falls to his home in Fort Worth in February of

1 2016 when a tractor-trailer rig being driven by Roy Lester  
2 Douglas, who is a driver for Interstate Express, blew through  
3 a stop sign, hit Mr. Parra, rolled his little Ford Ranger  
4 pickup about three or four times into a pasture and was pretty  
5 severely injured. He had -- ultimately, he ends up with a  
6 significant shoulder injury, he had a concussion, and things  
7 of that nature.

8           Where we started today in terms of a settlement  
9 demand was at \$1.4 million. He has a pretty severe impairment  
10 in terms of a mental issue as a result of this injury. We've  
11 had him evaluated by a neuropsychologist, who has indicated he  
12 has a total brain injury and pretty significant injuries. He  
13 had shoulder separation, rotator cuff surgery as well to solve  
14 that issue, and it's not really solved that.

15           As we continued through the settlement discussions  
16 today, Your Honor, the response to the \$1.4 million offer  
17 from, I believe it was just the insurance carrier for  
18 Mr. Douglas and Interstate Express, the initial offer was  
19 \$90,000.

20           We went back and forth, Your Honor, multiple times,  
21 to the point where they came up to \$150,000 in terms of  
22 settlement, and the plaintiffs had come down to \$1,280,000 in  
23 terms of settlement.

24           So right now the parties are approximately, give or  
25 take a little bit, \$1.1 million or \$1,130,000 apart in terms

1 of their views regarding settlement of this case at this time.

2 *THE COURT:* Was -- how does All Ways fit into this?

3 *MR. LYSTER:* All Ways -- All Ways -- we're not  
4 exactly sure yet. They were listed -- they are obviously  
5 listed on the accident report.

6 It's our understanding -- somewhat limited, we need  
7 to do some additional discovery -- is they owned the trailer  
8 that was being pulled by the tractor for Interstate Express.  
9 I don't know much more beyond that in terms of what kind of  
10 contractual relationship they may have, but we're in the  
11 process of sorting that out.

12 When we filed the lawsuit --

13 *THE COURT:* Well, Ms. Allen's standing like she's  
14 anxious to tell us.

15 *MR. LYSTER:* She may very well do that, Your Honor.

16 *THE COURT:* Okay. Well, let's hear from her.

17 *MS. ALLEN:* Thank you, Your Honor.

18 Actually, I was just standing because I thought that  
19 I might be helpful in this regard.

20 *THE COURT:* Well, we want help, if we can get it.

21 *MS. ALLEN:* Thank you.

22 I don't know very much more than that, but I do  
23 know -- it's my understanding that that is all the involvement  
24 that All Ways Transport had is that it owned the trailer, and  
25 it was being used by Interstate Express, who was the one, in

1 my understanding, who hired Mr. Douglas.

2 So it's -- my client is looking for any  
3 documentation that he may have reflecting any formal lease,  
4 and I don't know whether it was formal or informal at this  
5 point. All of the facts are very new to me at this moment,  
6 Your Honor.

7 *THE COURT:* Okay. Well, maybe Mr. -- and I'm going  
8 to make a try, Zhelezoglo.

9 *MR. ALEXANDER ZHELEZOGLO:* Alexander is fine.

10 *THE COURT:* Why don't you come up and tell us the  
11 relationship between Interstate and All Ways at the time of  
12 this accident.

13 *MR. ALEXANDER ZHELEZOGLO:* At the time of the  
14 accident -- I'll start from the beginning. We were high  
15 school friends with Matthew Sidloski, who is represented for  
16 All Ways Transport. We started Interstate Express together,  
17 and then a few years later we decided to split, to run two  
18 separate companies, but we still kept being friends, and we  
19 pretty much -- at the moment, I borrowed the trailer from him.

20 *THE COURT:* You borrowed the trailer?

21 *MR. ALEXANDER ZHELEZOGLO:* Yeah.

22 *THE COURT:* Is that the extent of the relationship  
23 as it affected that accident?

24 *MR. ALEXANDER ZHELEZOGLO:* I didn't understand.

25 *THE COURT:* In other words, All Ways didn't have

1 anything to do with hiring the driver of the vehicle --

2 MR. ALEXANDER ZHELEZOGLO: No.

3 THE COURT: -- or being -- or wasn't responsible for  
4 the transportation of whatever was being transported in the  
5 vehicle or had been transported in the vehicle?

6 MR. ALEXANDER ZHELEZOGLO: No, Your Honor.

7 THE COURT: Did All Ways have anything to do with  
8 the accident, other than it owned the trailer that it had  
9 loaned to your company?

10 MR. ALEXANDER ZHELEZOGLO: As far as I know, no.

11 THE COURT: Okay. That may give you a starting  
12 point, Mr. Lyster, in exploring what the relationship is.

13 MR. LYSTER: Yes, Your Honor.

14 THE COURT: And if you conclude that All Ways  
15 doesn't have any potential responsibility, you ought to get  
16 them out of the lawsuit so we can move on.

17 MR. LYSTER: Understood, Your Honor.

18 THE COURT: I take it that its insurance -- you can  
19 go back and be seated. Thank you.

20 I take it that its insurance company didn't offer to  
21 contribute anything to the settlement?

22 MR. LYSTER: That's correct, Your Honor.

23 THE COURT: Okay. Well, it sounds like it doesn't  
24 have any reason to contribute anything to the settlement.

25 Y'all are a long way apart. Is the offer from

1 Interstate, is it coming strictly from the insurance company,  
2 Mr. Lopez?

3 MR. JAIME LOPEZ: Yes, sir.

4 THE COURT: Is that the offer coming to you from --  
5 Mr. Lyster, is anybody offering to pay anything on behalf of  
6 Interstate, other than the insurance company?

7 MR. LYSTER: I'm not aware of --

8 THE COURT: I'm talking to you now.

9 MR. LYSTER: Yeah, I'm not aware of that, Your  
10 Honor. I mean, the offer -- it wasn't explained to me one way  
11 or the other, whether it was coming from an insurance carrier  
12 or from Interstate Express.

13 THE COURT: The offer was made by the attorney for  
14 Interstate?

15 MR. LYSTER: Yes, Your Honor.

16 THE COURT: Oh, okay. Mr. Adkerson, what do you  
17 think of the possibility of that offer being increased some  
18 today if y'all had some further discussions?

19 MR. ADKERSON: Well, I'm all -- I'm always willing  
20 to do whatever the Court wants to, you know, continuing on,  
21 but at this time, Your Honor, what really prevents us from  
22 being able to evaluate is because we were talking about a  
23 brain injury at the settlement conference, and I wasn't aware  
24 of any kind of a brain injury claim and --

25 THE COURT: You found out about that today for the

1 first time?

2 MR. ADKERSON: No, sir, at the --

3 THE COURT: The earlier one?

4 MR. ADKERSON: The earlier settlement conference,  
5 January 3rd, yes, sir.

6 THE COURT: Okay.

7 MR. ADKERSON: And then during that time, we talked  
8 about, you know, well, we really are kind of at an impasse  
9 because of this, because a brain injury is very, very serious.  
10 You know, it would increase the value of the claim a lot, but  
11 we didn't have any medical records showing that there was any  
12 kind of traumatic brain injury or a mild traumatic brain  
13 injury or --

14 And also, none of the facts of the accident, as far  
15 as the medical treatment from the paramedics, from the  
16 paramedics all the way back to Denton Regional Hospital, where  
17 they thoroughly examined him and then released him, none of  
18 those details brought forth any kind of concern, when I was  
19 reviewing the records, that there was a potential brain injury  
20 or TBI. And if there was -- he had a headache, but none of  
21 the other symptoms that I'm --

22 THE COURT: Okay.

23 MR. ADKERSON: You know, so it turned into that  
24 situation. And when we met on January 3rd, Mr. Lyster was  
25 going to send his client to a doctor or a neuropsychologist to

1 examine him, and he did do that, and we appreciate him doing  
2 that quickly, and we got the report last night, and it does  
3 show in that report some brain involvement.

4 And so based on that, you know, we really need to be  
5 able to examine the evidence with a doctor that we trust to  
6 give us an opinion, so that's really the impasse.

7 THE COURT: Okay. What -- are you thinking that you  
8 want to have an independent evaluation --

9 MR. ADKERSON: Yes, sir.

10 THE COURT: -- by a neuropsychiatrist or  
11 psychologist or whatever the specialty might be --

12 MR. ADKERSON: Yes, sir.

13 THE COURT: -- of your choosing?

14 MR. ADKERSON: Yes, sir.

15 THE COURT: Well, have you discussed with Mr. Lyster  
16 the arrangement for doing that?

17 MR. ADKERSON: Not the details, but we've mentioned  
18 that we will be needing to get a second opinion, so that's  
19 going to --

20 THE COURT: Okay. Do you see any problem with  
21 setting that up with them, Mr. Lyster, once they identify the  
22 medical person?

23 MR. LYSTER: No, Your Honor. I mean, assuming they  
24 identify someone that's qualified to render opinions in that  
25 area, we will be cooperative in that regard, Your Honor.

1           THE COURT: Okay. Well, it sounds like there's not  
2 much point in pursuing it further today.

3           I'm not going to take any action relative to the  
4 noncompliance with the order concerning the way the initial  
5 conference should be conducted because I can see how there was  
6 some confusion, so I'm going to leave that as it is without  
7 pursuing that any further.

8           And I hope y'all are able to reach a settlement.  
9 Y'all are all excused now.

10          Thank all of you for being here.

11          ALL PRESENT: Thank you, Your Honor.

12          MS. ALLEN: Thank you very much, Your Honor.

13          MR. ADKERSON: Have a good day, sir.

14          THE COURT: Okay. You, too.

15          COURT SECURITY OFFICER: All rise.

16          (Pause in proceedings)

17          THE COURT: Let me -- before y'all -- why don't you  
18 sit back down.

19          What are we going to do about Mr. Douglas? Are you  
20 going to -- is somebody going to dismiss as to him or what are  
21 we going to do?

22          MR. LYSTER: Your Honor, I don't know.

23          I mean, it's -- an answer was filed on his behalf,  
24 just like an answer was filed on behalf of Interstate Express,  
25 going through and specifically denying facts. I have no idea

1 how you can, under Federal Rule 8, go through and specifically  
2 deny the factual allegations in the petition when your  
3 client's dead, but I don't know that we've processed that  
4 enough. I don't know whether the --

5 *THE COURT:* Do you want to hold him in contempt of  
6 court for doing that?

7 *MR. LYSTER:* No, not so much that, Your Honor.  
8 Obviously, that's not going to work, but I -- I've not figured  
9 out whether or not the fellow has an estate, if we need to  
10 have his personal representative in. I don't know any of that  
11 because we were just told.

12 *THE COURT:* Okay. I'm going to give you a deadline  
13 for reaching a decision as to what to do about Mr. Douglas.

14 *MR. LYSTER:* All right.

15 *THE COURT:* We're either going to go forward in some  
16 way against his estate, or personal representative, or we're  
17 going to get him out of the lawsuit.

18 *MR. LYSTER:* Got it.

19 *THE COURT:* What would you suggest would be a good  
20 deadline for you making that decision?

21 *MR. LYSTER:* Ten days to two weeks, I would expect,  
22 would be enough time, Your Honor.

23 *THE COURT:* Why don't we do it in two weeks.

24 *MR. LYSTER:* All right. That's fair enough.

25 *THE COURT:* Two weeks from today, whatever that is.

1 MR. LYSTER: All right.

2 THE COURT: And then by that day, file something  
3 with the case -- with the papers in the case, with copies, of  
4 course, to everybody, telling us what you want to do --

5 MR. LYSTER: We'll do so, Your Honor.

6 THE COURT: -- what you plan to do.

7 MR. LYSTER: All right. Thank you, Your Honor.

8 THE COURT: Thank you.

9 (End of Proceedings)

10 **REPORTER'S CERTIFICATE**

11 I, Debra G. Saenz, CSR, RMR, CRR, certify that the  
12 foregoing is a true and correct transcript from the record  
13 of proceedings in the foregoing entitled matter.

14 I further certify that the transcript fees format  
15 comply with those prescribed by the Court and the Judicial  
16 Conference of the United States.

17 Signed this 17th day of March, 2019.

18 /s/ Debra G. Saenz  
19 DEBRA G. SAENZ, CSR, RMR, CRR  
20 Texas CSR No. 3158  
21 Official Court Reporter  
22 The Northern District of Texas  
23 Fort Worth Division

24 CSR Expires: 12/31/19

25 Business Address: 501 W. 10th Street, Room 424  
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\$90,000 [1] 11/19	affected [1] 13/23	business [2] 6/11 20/19
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